

SENATE BILL No. 79

By Committee on Ethics, Elections and Local Government

1-25

1 AN ACT concerning elections; dealing with voter identification; amending
2 K.S.A. 2016 Supp. 25-2908 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2016 Supp. 25-2908 is hereby amended to read as
6 follows: 25-2908. (a) Each polling place shall use either: (1) A registration
7 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-
8 2507(b)(1), and amendments thereto; or (2) a registration book, as defined
9 in K.S.A. 25-2507(b)(2), and amendments thereto. The county election
10 officer shall determine which books are used in each county, and which
11 book voters shall sign.

12 (b) A person desiring to vote shall provide to the election board: (1)
13 The voter's name; (2) if required, the voter's address; (3) the voter's
14 signature on the registration or poll book; and (4) a valid form of
15 identification listed in subsection (h). A signature may be made by mark,
16 initials, typewriter, print, stamp, symbol or any other manner if by placing
17 the signature on the document the person intends the signature to be
18 binding. A signature may be made by another person at the voter's
19 direction if the signature reflects ~~such~~ the voter's intention.

20 (c) A member of the election board shall:

21 (1) Announce the voter's name in a loud and distinct tone of voice,
22 and, if the name is in the registration books, the member of the election
23 board having the registration record shall repeat the name;

24 (2) request the voter's signature on the registration or poll book;

25 (3) provide the required signature at the request of and on behalf of
26 any voter who is unable to personally affix a signature by reason of
27 temporary illness or disability, or lack of proficiency in reading the English
28 language;

29 (4) request a valid form of identification from the voter. If the
30 member of the election board is satisfied that the voter is the person
31 depicted in the identification and that the identification provided is one of
32 the valid forms of identification listed in subsection (h), the member of the
33 election board shall place such member's initials in the space provided and
34 allow the voter to vote;

35 (5) give the voter one ballot, on the upper right-hand corner of which
36 shall be written the number corresponding to the voter's number in the

1 registration book or poll book; and

2 (6) mark the voter's name in the registration book and party affiliation
3 list.

4 (d) If a voter is unable or refuses to provide current and valid
5 identification, the voter may *sign an affidavit listing the name, date of*
6 *birth, address and last four digits of the social security number of the*
7 *voter and may* vote a provisional ballot pursuant to K.S.A. 25-409, and
8 amendments thereto. If the voter's name and address do not match the
9 voter's name and address on the registration book or poll book, the voter
10 may vote a provisional ballot according to K.S.A. 25-409, and
11 amendments thereto. The voter *who does not provide an affidavit listing*
12 *the name, address and the last four digits of the social security number of*
13 *the voter* shall provide a valid form of identification as defined in
14 subsection (h) ~~of this section~~ to the county election officer in person or
15 provide a copy by mail or electronic means before the meeting of the
16 county board of canvassers. At the meeting of the county board of
17 canvassers the county election officer shall present copies of identification
18 received from provisional voters and the corresponding provisional ballots.
19 If the county board of canvassers determines that a voter's identification is
20 valid *or the voter has signed an affidavit listing the name, address and the*
21 *last four digits of the social security number of the voter* and the
22 provisional ballot was properly cast, the ballot shall be counted.

23 (e) If the name of any person desiring to vote at an election is not in
24 the registration books, an election board member shall print the name and
25 address of the person appearing to vote in the registration book or poll
26 book. The person appearing to vote shall add such person's signature to the
27 registration book or poll book beside such person's printed name, as listed
28 in the registration book or poll book, and the election board judge shall
29 challenge such person's vote pursuant to K.S.A. 25-414, and amendments
30 thereto. During the pendency of a challenge other voters shall be given
31 ballots and be permitted to vote.

32 (f) A voter who has received an advance voting ballot may vote a
33 provisional ballot on election day at the precinct polling place where the
34 voter resides. If the voter returns the advance voting ballot to a judge or
35 clerk at the precinct polling place, the judge or clerk shall void such
36 advance voting ballot. Any such provisional ballot shall be counted only if
37 the county board of canvassers determines that the provisional ballot was
38 properly cast and the voter has not otherwise voted at such election.

39 (g) The secretary of state may adopt rules and regulations in order to
40 implement the provisions of this section and define valid forms of
41 identification with greater specificity, however the requirement that a voter
42 must provide a form of identification that complies with the subsection (h)
43 may not be altered.

1 (h) (1) The following forms of identification shall be valid if the
2 identification contains the name and photograph of the voter and has not
3 expired. Expired documents shall be valid if the bearer of the document is
4 65 years of age or older:

5 (A) A driver's license issued by Kansas or by another state or district
6 of the United States;

7 (B) a state identification card issued by Kansas or by another state or
8 district of the United States;

9 (C) a concealed carry of handgun license issued by Kansas or a
10 concealed carry of handgun or weapon license issued by another state or
11 district of the United States;

12 (D) a United States passport;

13 (E) an employee badge or identification document issued by a
14 municipal, county, state, or federal government office or agency;

15 (F) a military identification document issued by the United States;

16 (G) a student identification card issued by an accredited
17 postsecondary institution of education in the state of Kansas;

18 (H) a public assistance identification card issued by a municipal,
19 county, state, or federal government office or agency; or

20 (I) an identification card issued by an Indian tribe.

21 (2) If the person fails to furnish the identification required by this
22 subsection, the person shall be allowed to vote a provisional ballot. The
23 canvassing board shall determine the validity of the ballot pursuant to
24 K.S.A. 25-3002, and amendments thereto.

25 (i) The following persons are exempt from the photographic
26 identification document requirements of this section:

27 (1) Persons with a permanent physical disability that makes it
28 impossible for such persons to travel to a county or state office to obtain a
29 qualifying form of identification and have qualified for permanent advance
30 voting status under K.S.A. 25-1124, and amendments thereto;

31 (2) members of the uniformed service on active duty who, by reason
32 of such active duty, are absent from the county on election day;

33 (3) members of the merchant marine who, by reason of service in the
34 merchant marine, are absent from the county on election day;

35 (4) the spouse or dependent of a member referred to in paragraph (2)
36 or (3), who, by reason of the active duty or service of the member, is
37 absent from the county on election day; and

38 (5) any voter whose religious beliefs prohibit photographic
39 identification. Any person seeking an exemption under this provision must
40 complete and transmit a declaration concerning such religious beliefs to
41 the county election officer or the Kansas secretary of state. The declaration
42 form shall be available on the official website of the Kansas secretary of
43 state.

1 (j) "Indian tribe" or "tribe" means any Indian tribe, band, nation or
2 other organized group or community of Indians recognized as eligible for
3 the services provided to Indians by the secretary of the interior because of
4 their status as Indians, including any Alaska native village, as defined in
5 43 U.S.C. § 1602(c).

6 Sec. 2. K.S.A. 2016 Supp. 25-2908 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.